

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

PATRICK MCCRYSTAL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 6:14cv50
	)	
L. J. AYERS, III, et al.,	)	
	)	
Defendants.	)	

**ANSWER OF DEPUTY PHILLIP HARMSSEN**

Defendant Phillip Harmsen, by counsel, submits this answer.

**Responding to the Allegations in the Complaint**

1. The allegations in paragraphs 1-4 are statements of law to which no response is necessary. To the extent a response is necessary, Defendant denies those allegations.
2. Defendant admits the allegations in paragraphs 5, 6, 7, 8 and 9.
3. Defendant denies the allegations in paragraphs 10, 11, 12, and 13.
4. Defendant admits the allegations contained in paragraph 14.
5. Defendant denies the allegations in paragraphs 15 and 16.
6. With regard to the allegations in paragraph 17, Defendant admits that the Commonwealth's Attorney nolle prossed the charge of assault and battery on a police officer and denies all other allegations in paragraph 17 not consistent with this response.
7. Defendant denies the allegations in paragraphs 18 through 35.
8. Defendant denies all allegations in the Complaint not expressly admitted herein.

9. Defendant denies that he is indebted or liable to the Plaintiff for the amounts or reasons set forth in the Complaint or any other amounts or reasons whatsoever.

10. The Complaint fails to state a claim upon which relief can be granted.

Affirmative Defenses

1. Defendant cannot be held liable by virtue of the doctrines of sovereign, governmental, and/or qualified immunity.

PHILLIP HARMSSEN

By /s/ Jim H. Guynn, Jr.  
Jim H. Guynn, Jr. (VSB # 22299)  
Guynn & Dillon, P.C.  
415 S. College Avenue  
Salem, Virginia 24153  
Phone: 540-387-2320  
Fax: 540-389-2350  
Email: [jim.guynn@gmdlawfirm.com](mailto:jim.guynn@gmdlawfirm.com)  
*Attorney for Defendant Phillip Harmsen*

**CERTIFICATE OF SERVICE**

I do hereby certify that on this 19th day of January, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Steven D. Rosenfeld, Esq.  
Jeffrey E. Fogel, Esq.  
913 E. Jefferson Street  
Charlottesville, VA 22902  
[attyrosen@aol.com](mailto:attyrosen@aol.com)  
[jeff.fogel@gmail.com](mailto:jeff.fogel@gmail.com)  
*Counsel for Plaintiff*

/s/ Jim H. Guynn, Jr.